

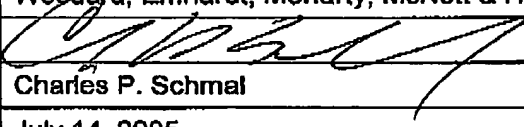
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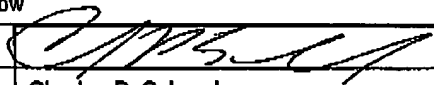
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WEA/MMH/5B/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/649,486		
		Filing Date	August 27, 2003		
		First Named Inventor	Shaun Michael COPLEY		
		Group Art Unit	2632		
		Examiner Name	Nguyen, Tai T.		
Total Number of Pages in this Submission	3	Attorney Docket Number	5631-9		
ENCLOSURES (check all that apply)					
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached PTO-2038 Credit Card Form <input type="checkbox"/> Amendment Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD			
		<input checked="" type="checkbox"/> After Allowance Communication to TC Comments on Statements of Reasons for Allowance <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below):			
Remarks					
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT					
Firm Name	Woodard, Emhardt, Moriarty, McNett & Henry LLP				
Signature					
Printed Name	Charles P. Schmal				
Date	July 14, 2005	Reg. No.	45,082		

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Typed or printed name	Charles P. Schmal	Date	July 14, 2005

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In re patent application of:)
Shaun Michael COPLEY) Before the Examiner
Application No. 10/649,486) Nguyen, Tai T.
Filed August 27, 2003) Group Art Unit
PERSONAL TRACKING DEVICE) 2632
July 14, 2005

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COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicant first wishes to thank the Examiner for the Notice of Allowance. In the Notice of Allowance, the Examiner provided reasons for allowance. The applicant's representative has reviewed the Examiner's statement of reasons for allowance. It is agreed that the prior art of record fails to teach or render obvious the claims pending in the present application. However, it is not believed that reasons for allowance were necessary in this case. Reasons for allowance are only warranted in instances in which the record of prosecution as a whole does not make clear the Examiner's reasons for allowing a claim. In the present case, it is believed that the record as a whole does make reasons for allowance clear, and therefore no statement by the Examiner is warranted.

Furthermore, the applicant does not necessarily agree with each statement in the reasons for allowance. The applicant does not acquiesce to any inference or presumption drawn from the Examiner's statements regarding the reasons for allowance. As stated in the MPEP at 1302.14, "[t]he examiner's statement of reasons for allowance is the personal opinion of the examiner as to why the claims are allowable [and the] examiner's statement should not create an estoppel."

Comments On Statements Of Reasons For Allowance
Serial No. 10/649,486; Group Art Unit 2632
Attorney Docket No. 5631-9
Page 1 of 2
CPS.le.354424

The Examiner's statements regarding the reasons for allowance paraphrase the language of the claims. For example, not all of the claims include all of the words used in the reasons for allowance. The Examiner has indicated that the claims are allowed by importing an interpretation into the claims in relation to the prior art that is imprecise, inaccurate, and/or places an unwarranted interpretation upon the claims. Such characterizations of the claims in view of the prior art does not properly take into account the applicant claimed invention as reflected in the specification and the applicant response in the prosecution history as a whole. As a result, the Examiner's statements regarding the reasons for allowance do not accurately represent the claimed invention.

Each claim is allowable because each claim recites a combination of elements not disclosed or suggested by any of the references. The invention resides in the combination of elements as variously recited in the claims, and not in the presence of any one or a few particular elements or limitations, or in the presence of any particular claim. Further, it is understood that each claim stands on its own merits.

Respectfully submitted,

By 

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